

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

NUCLEAR DEVELOPMENT LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 5:18-CV-01983-LCB
)	
TENNESSEE VALLEY)	
AUTHORITY,)	
)	
Defendant.)	

**DEFENDANT’S OBJECTIONS TO PLAINTIFF’S
FOURTH AMENDED EXHIBIT LIST**

Defendant Tennessee Valley Authority (“TVA”) hereby submits the following objections to Plaintiff Nuclear Development, LLC’s (“ND”) fourth amended exhibit list (Doc. 216).

Exhibit Number	Description	Objection
2	4/25/16 TVA’s CEP report	Not relevant under Fed. R. Evid. 401 and 402.
3	5/5/16 Minutes of Meeting of the Board of Directors of TVA	Not relevant under Fed. R. Evid. 401 and 402.
4	5/5/16 TVA Board Resolution	Not relevant under Fed. R. Evid. 401 and 402.
5	11/14/16 TVA Press Release	Not relevant under Fed. R. Evid. 401 and 402.
6	Bellefonte Economics Projections	Not properly authenticated under Fed. R. Evid. 901. Not relevant under Fed. R. Evid. 401 and 402.

10	8/14/18 Email from Maierhofer to Johnson	Not relevant under Fed. R. Evid. 401 and 402.
15 ¹	10/25/18 Email from Beeler to Beach	Not relevant under Fed. R. Evid. 401 and 402.
16	11/6/18 Email from Chardos to Blust	Not relevant under Fed. R. Evid. 401 and 402.
19	11/12/18 Email from ND to TVA	Not relevant under Fed. R. Evid. 401 and 402.
20	9/19/19 CD	Not relevant under Fed. R. Evid. 401 and 402.
21	Thumb drive	Not relevant under Fed. R. Evid. 401 and 402.
25	11/30/18 Email with letter from ND to TVA	Not relevant under Fed. R. Evid. 401 and 402.
29	11/28/18 Email from Blust to Quirk and Beach	Not relevant under Fed. R. Evid. 401 and 402.
40	11/14/18 Email from Rausch to Czufin	Not relevant under Fed. R. Evid. 401 and 402.
92	11/6/18 Email from Chardos to Blust	Not relevant under Fed. R. Evid. 401 and 402.
94	10/24/18 Email from Blust to Quirk	Not relevant under Fed. R. Evid. 401 and 402.
120	Nuclear Development's Interim Damages Computation	Lack of foundation. Fed. R. Evid. 901. Hearsay under Fed. R. Evid. 801 and 802.
127	TVA's DSEP Report	Not relevant under Fed. R. Evid. 401 and 402.
144	Declaration of Robert "Bud" Cramer Jr.	Hearsay under Fed. R. Evid. 801 and 802.
154	Declaration of Robert N. Coward	Hearsay under Fed. R. Evid. 801 and 802.
160	Declaration of William C.T. Gaynor, II	Hearsay under Fed. R. Evid. 801 and 802.
163	Declaration of Susan Adler Thorp	Hearsay under Fed. R. Evid. 801 and 802.

¹ TVA inadvertently included Exhibit 15 on its Exhibit List (Doc. 203). TVA hereby withdraws Exhibit 15 from its list.

165	Declaration of Steven Reid	Hearsay under Fed. R. Evid. 801 and 802.
167	Declaration of Van D. Turner, Esq.	Hearsay under Fed. R. Evid. 801 and 802.
172	TVA's Responses and Objections to Plaintiff's Amended Third Set of Requests for Admission	Not relevant under Fed. R. Evid. 401 and 402.
184	Notice of Closing Costs	Not relevant under Fed. R. Evid. 401 and 402.
190	11/29/18 Email from Chardos to Blust	Not relevant under Fed. R. Evid. 401 and 402.
302	TVA's Response to Second Set of Requests for Admission	Not relevant under Fed. R. Evid. 401 and 402.
303	07/30/18 Email from Henderson to Higginbottom	Not properly authenticated under Fed. R. Evid. 901/non-sequential. Not relevant under Fed. R. Evid. 401 and 402. Not produced by Court's deadline for exhibits.
304	TVA/Concentric Offering Memorandum	Not relevant under Fed. R. Evid. 401 and 402.
305	11/3/20 NRC letter to Nuclear Development	Not relevant under Fed. R. Evid. 401 and 402.
308	2019-2020 NRC Invoices to TVA for Bellefonte	Not relevant under Fed. R. Evid. 401 and 402. Fed. R. Civ. P. 37(c)(1)/not produced in discovery.
309	8/19/20 Invoice from TVA to ND attaching NRC invoices regarding Bellefonte	Not relevant under Fed. R. Evid. 401 and 402. Fed. R. Civ. P. 37(c)(1)/not produced in discovery.
315	11/30/18 Letter from Sally Lee with the UBS Financial Services to the Tennessee Valley Authority	Not properly authenticated under Fed. R. Evid. 901. Fed. R. Civ. P. 37(c)(1)/not produced in discovery.
316	Summary exhibit of damages claimed by Plaintiff	Fed. R. Civ. P. 37(c)(1)/not produced in discovery. Not produced by Court's deadline for exhibits. Not proper summary under Fed. R. Evid. 1006. TVA also

		incorporates its objections noted above to the individual exhibits referenced in Exhibit 316.
317	8/15/18 email from Czufin to Shea	Not relevant under Fed. R. Evid. 401 and 402.
318	2019-10-03 TVA Bellefonte Privilege Log (Row 945)	Not relevant under Fed. R. Evid. 401 and 402. Not disclosed in initial disclosures as required by Fed. R. Civ. P. 26. Lack of foundation. Fed. R. Evid. 901. Probative value is substantially outweighed by unfair prejudice, confusing issues, and wasting time. Fed. R. Evid. 403.
319	2019-10-03 TVA Bellefonte Privilege Log (Row 864)	Not relevant under Fed. R. Evid. 401 and 402. Not disclosed in initial disclosures as required by Fed. R. Civ. P. 26. Lack of foundation. Fed. R. Evid. 901. Probative value is substantially outweighed by unfair prejudice, confusing issues, and wasting time. Fed. R. Evid. 403. Concerns discovery dispute that was not submitted to the Court consistent with the Court's Initial Order

Respectfully submitted this 6th day of May, 2021.

s/ Matthew H. Lembke

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CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2021, a true and correct copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record:

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